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| 10/541,164 | 06/29/2005 | John Kay Spence | 4046/033 | 4383 |
| 23440 7590 10/13/2009 GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 10016-0601 | | | | |
| EXAMINER | | | | |
| YL, STELLA KIM | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1791 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,164

Applicant(s)

SPENCE, JOHN KAY

Examiner

Stella Yi

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,10-12,19 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-7,10-12,19,24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-7, 10, 11, 16-19, and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over HALBERSTADT (4,717,517) and in further view of PLOUGH (3,917,216).

Regarding Claims 1, 2, 10, 11, 19, 25 HALBERSTADT discloses a formwork and method adapted for the consecutive formation of a plurality of panels, each subsequent panel being formed upon a previous panel wherein a bed for a subsequent panel is defined by an upper surface of the previous panel (Col.3, lines 5-6 and 13-14; Figure 6-7), said formwork comprising deck forms (base) (30-Figure 1B) and a plurality of sides and corners at the intersections of the respective sides, the base and side members defining a forming space for formation of a panel above the bed (Figure 6), at least one side being defined by a side member supported by a pair of columns (10-Figure 6) at the respective corners, said formwork comprising spacers 20 that are spaced a predetermined distance apart corresponding to a predetermined slab thickness (spacing of the locations defines the thickness of respective panels) (Col.5, lines 61-65), each column having horizontal flanges (locating elements) (18-Figure 3) adapted to receive and support the at least one side member at a plurality of locations along the length of

the column (10-Figure 3), wherein the base for a subsequent panel is defined by the upper surface of the previous panel and the side members extend from the upper surface of the previous panel to define the forming space for the subsequent panel (Figure 6 and 7), wherein each column comprises a first upright member supported from a base member wherein the said horizontal flanges (locating elements) are spaced vertically along the upright member (Figures 3, 6, and 7).

HALBERSTADT discloses a second upright member (Figure 3) but is silent to a pivotable base and top-piece that can engage one side member to secure in locating engagement with the first upright member. However, PLOUGH discloses a quick-release fastening device for fixedly but releasably securing together the outer end edges of two pivotally connected right angle sections of a concrete column form (Abstract), and further including a retaining element (96) provided to retain the first and second upright members (Col.6, lines 25-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a pivotable base and top-piece taught by PLOUGH in the formwork of HALBERSTADT in order to provide secure column during a concrete pouring process and releasability of the column formwork from the hardened concrete column (Col.2, lines 1-23).

Regarding Claims 4, 16, 18, 21, 23, 24, and 26, HALBERSTADT discloses the said formwork comprising spacers 20 that are spaced a predetermined distance apart corresponding to a predetermined slab thickness (spacing of the locations defines the thickness of respective panels) (Col.5, lines 61-65).

Regarding Claims 5-7, 17, and 22, HALBERSTADT discloses the said horizontal flanges (locating elements) comprising spacers (notches) (20-Figure 2A, 20'-Figure 3) in an upright side of each column, the spacers adapted to receive corresponding formations on the at least one side member, the side member being held in engagement with the upright side of the column (Figure 6 and 7).

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over HALBERSTADT (4,717,517) and in view of PLOUGH (3,917,216) as applied to claims 1, 2, 4-7, 10, 11, 16-19, and 21-26 above, and in further view of VEALE (3,618,181).

The teachings of HALBERSTADT and PLOUGH are applied as described above for claims 1, 2, 4-7, 10, 11, 16-19, and 21-26.

Regarding Claim 12, HALBERSTADT discloses a formwork adapted for the consecutive formation of a plurality of panels, each subsequent panel being formed upon a previous panel (Col.3, lines 5-6 and 13-14; Figure 6-7) but does not explicitly disclose separating the panels with a bond breaker. However, VEALE discloses a apparatus for casting concrete wherein the panels are coated with a suitable bond breaking agent. It would have been obvious to one of ordinary skill in the art to have modified the formwork of HALBERSTADT to include coating the panels with the said bond breaking agent of VEALE in order to avoid adherence to the set material of the first body as well as to the bottom of the succeeding body (Col.2, lines 24-29).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Yi whose telephone number is 571-270-5123. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SY

/Matthew J. Daniels/

Primary Examiner, Art Unit 1791

10/9/09